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FCC Forum on 711 Access
September 8, 1999

CC Docket No. 92-105

**PRESENTATION OF THE NATIONAL ASSOCIATION OF THE DEAF AND
COUNCIL OF ORGANIZATIONAL REPRESENTATIVES ON NATIONAL ISSUES
CONCERNING PEOPLE WHO ARE DEAF OR HARD OF HEARING**

I. Introduction

The National Association of the Deaf (NAD) and The Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing (COR)¹ submit these comments on 711 access to telecommunications relay services (TRS). These comments supplement a presentation on behalf of the NAD and COR at the 711 Forum held on September 8, 1999. The NAD is a private, non-profit federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and direct members. The NAD seeks to assure increased independence, productivity, and integration for the 28 million Americans who are deaf and hard of hearing. COR is a coalition of national organizations that are committed to

¹ The following members of COR support these comments: Alexander Graham Bell Association, American Academy of Audiology, American Academy of Otolaryngology-Head and Neck Surgery, American Society for Deaf Children, American Speech-Language-Hearing Association, The Caption Center, Conference of American Instructors for the Deaf, Conference of Educational Administrators of Schools and Programs for the Deaf, League for the Hard of Hearing, National Association of the Deaf, Registry of Interpreters for the Deaf, Self Help for Hard of Hearing People, Inc., and Telecommunications for the Deaf, Inc.

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improving the lives of individuals who are deaf or hard of hearing. Constituencies of COR organizations provide a variety of services, including technological and telecommunications services, educational programs, social and rehabilitation services, support groups and self-help programs, medical, audiological, and speech-language pathology assessment and rehabilitation services, information on assistive devices and technology, and general information on other services for deaf and hard of hearing consumers.

The NAD and COR wish to applaud the Commission for allocating 711 access for TRS, and for holding this Forum to facilitate implementation of 711. Use of the 711 code to access relay services has been a huge success in the two locations where it has been implemented for some time - Hawaii and Canada. It is already beginning to achieve the same success in Maryland. By eliminating the difficulties that individuals now have with respect to finding relay numbers when they travel from state to state, and by reducing the number of digits needed for accessing relay services, 711 is helping to make relay access convenient, fast, and uncomplicated. As a result, its use not only improves access to TRS, but also encourages use of TRS by deaf, hard of hearing, speech disabled, and hearing people.

The comments below focus on two areas concerning the implementation of 711 universal relay access: carrier of choice, and the need for comprehensive outreach and education. Briefly, we also wish to note the importance of ensuring continuation of the FCC's mandatory minimum standards for relay response time as 711 becomes implemented nationwide. The FCC's current standard is for eighty-five percent of all calls to be answered within ten seconds. This or an improved standard should be maintained as 711 goes into effect.

II. Carrier of Choice

Carrier of choice has come to have two distinct meanings with respect to TRS. Initially, this term referred to the right of a relay consumer to be able to choose access to his or her interexchange carrier. The FCC's rules on TRS establish this right: "TRS users shall have access to their chosen interexchange carrier through the TRS, . . . to the same extent that such access is provided to voice users."² While this remains the law of the land, in practice, exercising this right has become a burdensome task. This is because in practice, TRS providers typically route TRS calls through their own long distance services. This is problematic for two types of consumers.

First, many consumers are not aware that they must specify their long distance carriers with their relay providers (in addition to their local exchange carrier). Although these consumers may have actually chosen long distance carriers when ordering local service, they may not be getting their carriers of choice, if all of the incoming relay calls in their state are routinely routed to the interexchange company that happens to be the relay provider for their particular state.

Second, a number of consumers report that they simply have not been able to exercise their right to choose their own long distance carrier. One such consumer has reported that he had to go through considerable effort to change his carrier to the one that he had originally chosen. Another has reported that his relay service refused to honor his request to use a five digit interexchange access code for individual calls without incurring additional charges on his telephone bill. The only reason he wanted to use the access code was to save, not add long distance fees!

² 47 C.F.R. §64.604(b)(3).

Access to TRS through 711 must afford consumers the right to choose their own interexchange carriers. Among other things, this will mean that where a consumer chooses a carrier, the TRS provider must be responsible for including the name of that carrier in the consumer's user profile. When using 711, the consumer should be secure in the knowledge that the communications assistant receiving his or her call will have ready access to information about the consumer's carrier of choice in the consumer's profile. Similarly, if the consumer wishes to change his or her carrier on a call-by-call basis, the technology should be in place to allow this choice, to the same extent that voice users have this capability.

Carrier of choice has also come to signify the TRS user's right to choose a TRS provider that actually performs the relay of his or her call. Presently, consumers have the ability to choose TRS providers for long distance calls. Consumers in California also have the ability to choose their preferred provider for local calls - currently the choice is among two providers, soon to be expanded to three. It is only a matter of time before consumers all over the country join in being able to choose the TRS provider that best meets their needs.

Both consumers and industry are eager to see increased competition among relay providers, so that consumers may choose their own service providers on an individualized basis. Increased competition can open the door to new product and services innovation and improved relay quality. Relay competition, also called multivendoring, follows the competitive trends encouraged in the Telecommunications Act of 1996. It promises to offer relay consumers choice in the relay features that may suit them best, discourages monopolistic arrangements, and encourages telecommunications providers to consistently improve their services in their efforts to win new customers. This will become increasingly important as the various types of relay

services continue to expand - e.g., speech to speech, video relay - and as relay providers become more and more likely to specialize in one or more of these distinct services. Even the FCC has previously acknowledged that “the greatest benefits of TRS will be realized when vendors directly compete for TRS consumers.”

Implementation of the 711 code should be completed in a manner that maintains and fosters relay competition. For example, the new 711 code could be used much in the same way that callers now use “Dial-One Service” for their long distance carriers. Application of this paradigm could allow a TRS customer to pre-subscribe to a relay vendor from a home or business. The pre-subscription of one’s relay service provider should not, however, automatically be tied to one’s chosen long distance carrier. Consumers may prefer the particular features of one provider for relay use and those of a different carrier for long distance service. When away from home or the office, consumers should also have the option of dialing a different number or additional access code to reach a particular provider, much in the same way that the public now has the opportunity to “dial around” to one’s long distance carrier of choice through a 10XXX or similar telephone code (e.g., through a calling card).

Commenters to the Commission’s earlier notice of proposed rulemaking on this subject reported that routing all 711 calls from a subscriber’s telephone to the subscriber’s preferred TRS provider can be accomplished through a database query initiated by an Advanced Intelligent Network (AIN). The query response would contain an 800 routing number that would correspond to the relay user’s pre-selected provider, and the call would then be routed to that provider. US West has reported that use of an AIN-based solution is feasible for most switches,

and has further explained that offices without AIN capability can route their 711 calls to a tandem that has this capability.

Enabling consumers to presubscribe to their preferred relay provider, while enabling these consumers to continue accessing a different provider when away from their “pre-selected phone,” will achieve the following objectives:

- Relay providers will be able to compete for individual consumer subscriptions;
- Relay providers will continue to compete for state or regional contracts, so that they could serve as the “default” TRS vendor for those regions. Travellers would then be able to simply dial 711 from any phone and be assured access to TRS anywhere in the United States;
- Relay providers will compete for business from consumers who are away from their “pre-selected phone,” as these consumers would be able to dial either one of the currently existing national 800 numbers or an alternative relay code to access a particular vendor.

Alternatively, 711 could provide a gateway through which customers may obtain access to multiple relay vendors on a call-by-call basis. This gateway could even be used to access other disability services, such as TTY operator services and video relay services. Moreover, a gateway can also offer one means of allowing a consumer to bypass a pre-selected provider for certain calls.

III. Efforts to Educate the Public

The goal of TRS is to close the telecommunications gap between text telephone users and voice telephone users. The FCC recognized the importance of “public access to information regarding availability, use of service, and means of access, [as being] critical to the implementation of TRS” in its very first Order implementing relay services.³ In that Order, the

³ *In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Report and Order and Request for Comments*, FCC 91-213, CC Dkt. No. 90-571 (July 26, 1991) at ¶28.

FCC directed carriers “through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of [TTY] number in telephone directories” to ensure that callers in their service areas were aware of the availability and use of TRS.⁴ While well-intentioned, it has become clear, over the nine years since this Order was first issued, that outreach and education about the availability and use of relay services has been woefully inadequate. The result is an alarming number of hang-ups by both commercial establishments and individuals, and a general reluctance by employers to allow their employees to use TRS for the purpose of conducting business.

The following is a typical consumer complaint on this issue:

“Can you point me in the right direction? I am profoundly deaf. I live and work in California. I have been instrumental in getting the corporation I work for to change their . . . policy on relay use by deaf customers since they were very concerned about breaking customer confidentiality and in turn denied calls. . . The company I work for is in 22 states.”

This particular individual was successful in ultimately convincing his company to change its policies with regard to the acceptance of relay calls in his state. He is now trying to assist employees who live in other states to convince the company to accept relay calls in those states.

This individual is not alone. Complaints such as these are common, and often reflect a business’s concerns about the confidentiality of relay services. Nearly ten years after the passage of the ADA, individual consumers should not have the burden of convincing companies to accept their relayed telephone calls. Publication of relay numbers in telephone directories and billing inserts, and listings with telephone operators have not been sufficient to educate these businesses.

⁴ 47 C.F.R. §64.404(c)(2).

Nor have these outreach methods been enough to alert general consumers that relay calls are not commercial or charitable solicitations.

Concerns about inadequate outreach and education efforts are not new. In earlier comments submitted in response to the Commission's proceedings on improving relay services, a number of consumer organizations, as well as governmental agencies, spoke about the need for additional outreach and training to (1) businesses and commercial institutions (comments of the Alexander Graham Bell Association), (2) hard of hearing people (comments of Self Help for Hard of Hearing People, Inc.), (3) individuals with speech disabilities (comments of United Cerebral Palsy Association), (4) children (comments of Kansas Relay Service, Inc.), and (5) the general public, including voice telephone users (comments of Oregon Public Utility Commission). Moreover, the State of Maryland has reported that a comprehensive and coordinated outreach effort to educate the general public about of TRS in Maryland has been extremely successful, resulting in increased relay inquiries and call volumes. Finally, in prior comments to the FCC, the Interstate TRS Advisory Council of the National Exchange Carrier Association (NECA) called upon the Commission to establish a national effort to increase awareness about relay services by individuals and businesses, and has even volunteered to coordinate such an effort.

The NAD and COR join these various entities in calling for a coordinated national advertising campaign for the purpose of informing the general public about TRS. As 711 becomes implemented nationwide, carriers are afforded the perfect opportunity to conduct such a campaign. By making access to relay services universal, uncomplicated, and closer to dial tone network calling, 711 provides an excellent means of bringing millions of individuals into the fold of these services.

Toward this end, the FCC should direct common carriers to publicize information about TRS, and in particular about the availability of 711 access, through mediums that can effectively reach substantial portions of the American public. Included in these mandates should be requirements for:

- advertisements in mainstream newspapers and magazines, and business publications;
- prime time advertisements or public service announcements on television and radio;
- packets of information for inclusion in the training materials of state, local, and governmental employees, as well as employees of financial institutions and medical establishments;
- demonstrations in places of public accommodation, including shopping malls, community centers, libraries, and senior centers;
- on-site demonstrations, informational meetings, and the distribution of brochures to businesses;
- the distribution of TRS information to new subscribers by telephone companies at the time service is connected; and
- Internet sites with information on the availability and various features of TRS.

Funding for outreach efforts on the local level can be recovered through existing intrastate relay funding mechanisms (through subscriber charges or recovery through the rate base). With respect to national outreach efforts, we support use of the Interstate Relay Fund administered by NECA to finance these efforts, especially those involving prime time television and radio advertising.⁵

The above outreach efforts will serve various functions. First, they will alert existing users about the existence of easy 711 access. Second, they will reduce ignorance by individuals,

⁵ NECA, itself, in earlier proceedings, expressed a willingness to establish and fund national television campaigns.

businesses, and governmental entities who are, at any point in time, likely to be recipients of relay calls. Finally, they will bring into the fold senior citizens and other persons who have lost their hearing later in life, and who might not otherwise be aware that they may make telephone calls through TRS. The telecommunications gap between text telephone users and voice telephone users will only be closed for good when each and every American is aware of the existence of and purpose for telecommunications relay services. We turn to the FCC to assist us in accomplishing this objective.

IV. Conclusion

The NAD and COR appreciate the opportunity to present the above suggestions on how to implement the 711 relay code. We look forward to prompt action on this issue by the Commission.

Respectfully submitted,



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